

REMARKS

Applicant respectfully requests allowance of the subject application. Favorable consideration of pending Claims 1-4, 6-21 and 23-28 is respectfully requested.

§ 102(e) Rejection

Claims 1-4, 6-21 and 23-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,904,402 to Wang et al. (hereinafter "Wang"). The Applicant respectfully disagrees.

A Declaration under 1.132 is being submitted herein as requested by the Examiner to show that any invention disclosed but not claimed in Wang was derived from the inventor(s) of the Subject Application and is thus not an invention "by another", as correctly asserted by the Examiner. The Declaration, as required under MPEP 716.10, contains an unequivocal statement that the inventors conceived or invented the subject matter disclosed in the patent. *See also, In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982). Therefore, it is respectfully submitted that Wang is not available as a reference, and withdrawal of the rejection is respectfully requested.


Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability,

1 Applicant respectfully requests a telephone call for the purpose of scheduling an
2 interview.

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4 Respectfully Submitted,

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6 Dated: 10/18/5

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11 Attachments:

12 1.132 Declaration
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